

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE E. SERRATO, §  
JOSIE RENDON, CLARA TOVAR, §  
CONSUELO ESPINO, MARIA §  
AVILA, ERNESTINA NAVARRETTE, §  
MARIA E. MUNOZ, AMANDA §  
SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE §  
OLIVA, RAFAELA CHAVEZ, §  
ELODIA ARROYO, SUSANA §  
CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on §  
behalf of all others similarly situated, §**

*Plaintiffs*

**v. §**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY and JOHN DOES I-V, §**

*Defendants*

**CIVIL ACTION NO.  
3:06-cv-02322-N**

**ECF**

**DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSION, INTERROGATORIES,  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

Defendants Swift Beef Company and Swift & Company (collectively, "Swift"), pursuant to FED. R. CIV. P. 33, 34, and 36, hereby submit their First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents (collectively, the "Discovery Requests") to each of the individually named plaintiffs listed in the caption above by and through their counsel, Heygood, Orr, Reyes, Pearson & Bartolomei, 2331 W. Northwest Highway, Second Floor, Dallas, Texas 75220. These Discovery Requests shall be separately answered and signed under oath by each individually named plaintiff.

**DEFINITIONS**

1. "You" and "Your" means each individually named plaintiff and all agents, attorneys, investigators, consultants, and other persons acting on his or her behalf.

2. "Cactus Processing Facility" means the processing plant operated by Swift or one of its subsidiaries or affiliates in Cactus, Texas.

3. "Other Swift Processing Facilities" means the processing plants operated by Swift or one of its subsidiaries or affiliates in Greeley, Colorado, Hyrum, Utah, Grand Island, Nebraska, Marshalltown, Iowa, and Worthington, Minnesota.

4. "Person" is used in its broadest possible sense and means all individuals and entities, including natural persons, firms, partnerships, associations, organizations, divisions, joint ventures, corporations, and governmental entities, domestic or foreign.

5. "Documents" shall mean any items or matter within the scope of FED. R. CIV. P. 34 and F.R.E. 1001, including: all paper material of any kind, whether written, typed, punched, filmed, or marked in any way; recording tape or wires; film, photographs, movies, or any graphic matter however produced or reproduced; all computerized, electronic, or magnetic records, information, notes, messages, electronic mail or data compilations; and/or all mechanical or electronic sound recordings or transcripts thereof. "Document" shall also include the original or any draft or other version thereof, and any copy of an original or draft which differs in any respect from such original or draft.

6. "Identify," when used in reference to a natural person, means to state his or her full name, residential and business addresses, residential and business telephone numbers, present or last known employment position, and business affiliation. When used in reference to a person other than a natural person, "identify" means to state whether such person is a corporation, partnership or other entity, its name, present or last known address, and principal place of its business. Once any person has been identified properly, it shall be sufficient thereafter when identifying that same person to state his or her or its name only.

7. "Identify," when used in reference to a document or documents, means to state the date, the author(s) (and, if different, the signer(s)), the addressee(s), all recipient(s), and the type of document (e.g., letter, memorandum, telegram, chart, sketch, diagram, etc.), and any other information sufficient to allow Swift to identify the relevant document. If any such document was, but is no longer in your possession or subject to your control, state what disposition was made of it and the reason for such disposition.

8. "Relating to" shall mean: relating to, referring to, pertaining to, indicating, demonstrating, evidencing, containing, concerning, describing, embodying, mentioning, constituting, corroborating, proving, refuting, disputing, rebutting, or contradicting.

9. "Including" shall mean: including but not limited to.

10. The singular includes the plural, and vice versa. The masculine includes the feminine and neuter genders, and vice versa. The past tense includes the present tense, and vice versa, where the clear meaning is not distorted by change of tense.

11. "And" as well as "or" shall be construed disjunctively or conjunctively as

necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

12. "Any" includes the word "all" and "all" includes the word "any."

### **INSTRUCTIONS**

A. These Discovery Requests shall be separately answered and signed under oath by each individually named plaintiff.

B. All Documents requested herein, to the extent not objected to, shall be produced for inspection and copying on or before the applicable due date at the offices of Carrington, Coleman, Sloman & Blumenthal, LLP, 901 Main Street, Suite 5500, Dallas, Texas 75202, or at such other location mutually agreed upon by counsel. Alternatively, on or before the applicable due date, copies of responsive Documents can be sent to Brian G. Eberle at the offices of Sherman & Howard, LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202.

C. All Documents shall be produced as they are kept in the ordinary course of business or shall be organized and labeled to correspond to each category contained in these Discovery Requests. If any Documents are withheld from production on the grounds of privilege, each Document withheld shall be identified by providing the names of the author(s), signer(s), and recipient(s) of the Document, the date of the Document, and a description of the contents of the Document, and the grounds for withholding each such Document shall be stated.

D. If you know that any Document falling within the scope of these Discovery Requests has been destroyed or lost, or is unavailable for any reason, you are requested to produce a written list of all such Documents, identifying each Document as follows: the request(s) the Document pertains to; date; addressor's or author's name, title, and address; addressee's name, title, and address; the name and address of every other person to whom the Document was sent or shown, including copies thereof; the nature of the Document; the subject matter of the Document; the best description possible of the exact content of the Document; and the reason for its destruction or unavailability.

E. The following Discovery Requests are continuing in nature, and your responses must be supplemented in accordance with FED. R. CIV. P. 26(e).

### **REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116th Judicial District Court, Dallas, Texas in which You were a plaintiff.

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

4. Admit that You have never been employed at any of the Other Swift Processing Facilities.

### **INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:

- a. Explain the basis for Your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
- b. Identify all Persons who have knowledge of those facts; and
- c. Identify all Documents that support Your response to this Interrogatory.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:

- a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
- b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
- c. Identify all Documents that support Your response to this Interrogatory.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:

- a. Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized

to be employed in the United States;

- b. Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
- c. Identify all Documents that support Your response to this Interrogatory.

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:

- a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
- b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
- c. Identify all Documents that support Your response to this Interrogatory.

5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Other Swift Processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:

- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
- b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and

- c. Identify all Documents that support Your response to this Interrogatory.

**DOCUMENT REQUESTS**

Pursuant to FED. R. CIV. P. 34, produce all of the following Documents within Your possession, custody, or control:

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.
2. All Documents identified in Your responses to the Interrogatories above.
3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

Dated: May 14, 2008

Respectfully submitted,

/s/ Brian G. Eberle

Ken Carroll

State Bar No. 038885000

Thomas F. Allen, Jr.

State Bar No. 24012208

CARRINGTON, COLEMAN, SLOMAN &

BLUMENTHAL, L.L.P.

901 Main Street, Suite 5500

Dallas, Texas 75202

Telephone: (214) 855-3000

Robert E. Youle

Colorado Bar No. 9541

Brian G. Eberle

Colorado Bar No. 15356

SHERMAN & HOWARD L.L.C.

633 Seventeenth Street, Suite 3000

Denver, Colorado 80202

Telephone: (303) 297-2900

ATTORNEYS FOR DEFENDANTS SWIFT &  
COMPANY AND SWIFT BEEF COMPANY

**CERTIFICATE OF SERVICE**

I certify that on May 14, 2008, I served the foregoing document by telefax to Eric D. Pearson and by U.S. mail, postage prepaid, addressing to the following:

Michael E. Heygood  
Eric D. Pearson  
Charles W. Miller  
Heygood, Orr, Reyes Pearson & Bartolomei  
2331 W. Northwest Highway  
Second Floor  
Dallas, Texas 75220

/s/ Donna Baros





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OLIVA, OSCAR REGALADO, RAFAELA CHAVEZ, ELODIA ARROYO, GABRIELA ARRIETA, SUSANA CARDIEL, GRACIE RIOS, AND LEONEL RUIZ, who file this their First Amended Petition against Defendants HICKS, MUSE, TATE, & FURST, INC., BOOTH CREEK MANAGEMENT CORPORATION, SWIFT BEEF COMPANY, INC. d/b/a SWIFT COMPANY a/k/a S&C HOLD CO 3, INC., and CONAGRA FOODS, INC., and respectfully show this Court as follows:

**I. VENUE AND DISCOVERY PLAN LEVEL**

1. Defendant HICKS, MUSE, TATE, & FURST, INC.'s principal office is located in Dallas County, Texas. Venue in this cause is, accordingly, proper pursuant to Sections 15.001 and 15.036 of the Texas Civil Practices and Remedies Code. Plaintiffs submit this action under Discovery Control Plan Level III.

**II. TRIER OF FACT**

2. Plaintiffs respectfully request that a jury be convened to try the factual issues of this case.

**III. PARTIES**

3. Plaintiffs are residents of the State of Texas.
4. Defendants have previously answered in this cause and will be served with copies of this petition through their respective attorneys of record. No service is requested at this time.

**IV. CAUSE OF ACTION FOR VIOLATIONS OF TEXAS LABOR CODE**

This suit is brought pursuant to the following articles of the Texas Labor Code:

Article 451 and the following sections:

5. Section 1. No person may discharge or in any other manner discriminate against an employee because the employee has in good faith filed a claim, hired an attorney to represent him or

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her in a claim, instituted or caused to be instituted, in good faith, any proceedings under the Texas Workers Compensation Act, or has testified or is about to testify in any proceeding.

6. Section 2. A person who violates any provision of this Section 1 of this Act shall be liable for reasonable damages suffered by an employee as the result of the violation and an employee discharged in violation of this Act shall be entitled to be reinstated to his or her former position..."

Article 21 and the following sections:

7. Section 51. A person commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, or age the employer fails or refuses to hire an individual or discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the term, conditions or privileges of employment....."
8. Section 56. An employer, labor union or employment agency commits an unlawful employment practice if the employer, labor union or employment agency aids, abets, incites or coerces a person to engage in a discriminatory practice.
9. Section 122. An unlawful employment practice based on disparate impact has been established....."
10. Section 128. A person commits an unlawful employment practice when the employer fails or refuses to make reasonable workplace accommodations to a known physical or mental limitation of an otherwise qualified individual with a disability who is an employee....."
11. Section 258. A person having engaged in an unlawful employment practice may be ordered equitable relief.

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12. Plaintiffs would respectfully show the Court that they were employed by the Defendant. All the Plaintiffs sustained an on-the-job injury while working for Defendant, Swift Beef Company, Inc. which is owned by Hicks, Muse, Tate, and Furst, Inc. While in the course and scope of their employment, all the Plaintiffs at one time or another were injured and had to file a workers compensation claim. Shortly after they were injured they were then later wrongfully terminated by the Defendants. It is clear that the Defendants have a pattern of terminating injured employees who file workers compensation claims.
13. After returning to work, located at Swift Company, 287 Highway North Schoerter Park, Cactus, Texas 79013, Plaintiffs were all discharged from their employment. Plaintiff's were informed of various reasons for their termination but were always told it was not related to their injuries. Plaintiffs were wrongfully terminated by defendants. Plaintiffs were hired and were good employee's of the company. Some for many years before they were wrongfully terminated. All defendants are jointly and severally liable for the discrimination.
14.
  1. After returning to work, Margie Salazar was discharged from her employment on or about October 14, 2002, and was informed that the reason for her termination was due to restricted duty employment. Plaintiff was hired on June 29, 1989 and was a good employee of the company for approximately 12 years and four months before her wrongful termination. She was injured on October 12, 2000. Plaintiff became injured while lifting a metal stand and hurt her back, right shoulder and right wrist.
  2. After returning to work, Jimmy Talamantes was discharged from his employment on or about October 31, 2003, by Jimmincer and was informed that the reason for his termination was due to Plaintiff breaking company restrictions. Plaintiff was hired

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on May 21, 2002, and was a good employee of the company for approximately 1 year before he was wrongfully terminated. He was injured on November 19, 2002. Plaintiff was injured when he was opening a drum door with his legs and due to the pressure felt a pop along his back.

3. After returning to work, Cruz E. Vasquez was discharged from his employment on or about November 25, 2002, and was not informed or given any reason for his termination. Plaintiff was hired on April 26, 1999, and was a good employee of the company for approximately 3 years and 7 months before he was wrongfully terminated. He was injured on November 27, 2000. Plaintiff became injured while performing the work that should have been done by at least three people. He finally broke down in tears after being overly worked to the point of utter exhaustion.
4. After returning to work, Jose A. Serrato was discharged from his employment on or about October 14, 2002, and was informed that the reason for his termination was due to Plaintiff handing company restrictions for light duty from a doctor to place him on light duty. Plaintiff was hired on July 14, 1984, and was a good employee of the company for approximately 18 years and 3 months before he was wrongfully terminated. He was injured on January 11, 2000. Plaintiff became injured when he slipped and fell due to a greasy floor and landed on his right knee.
5. After returning to work, Josie Rendon was discharged from her employment on or about December 16, 2002, by Brian Ashley a Human Resources manager and was informed that the reason for her termination was due to any employees with restrictions had no jobs available and was then sent home. Plaintiff was hired on

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February 22, 1987, and was a good employee of the company for approximately 15 years and 10 months before she was wrongfully terminated. She was injured on December 21, 2000. Plaintiff became injured while working on sweetbread machine and hurt her right shoulder, arm and both hands.

6. After returning to work, Clara Tovar was discharged from her employment on or about October 41, 2002, and was informed that the reason for her termination was due to Plaintiff having been on medical leave and due to restrictions regarding a work related injury. Plaintiff was hired on April 6, 1998, and was a good employee of the company for approximately 4 years and 6 months before she was wrongfully terminated. She was injured on December 27, 2001. Plaintiff was injured when the company gave her a chair to sit on due to her restrictions. They placed some paper towel on top of the chair causing Plaintiff to fall off and re-injure herself in the process.
7. After returning to work, Cruz Vargas was discharged from his employment on or about July 24, 2003, by Rodney Turbiate who was the human resource manager while Oscar Arriega interpreted and was informed that the reason for his termination was due to Medical leave of absence. Plaintiff was hired on July 9, 1979, and was a good employee of the company for approximately 25 years before he was wrongfully terminated. He was injured on September 18, 2000. Plaintiff was injured when he slipped and fell backwards hitting his head, back, and buttocks due to a greasy floor.
8. After returning to work, Consuelo Espino was discharged from her employment on or about October 14, 2002, by Brian Ashley who is a safety coordinator and was

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informed that the reason for her termination was due to Plaintiff was unable to perform full duties on the job. Plaintiff was hired on April 27, 2000, and was a good employee of the company for approximately 2 years and 6 months before she was wrongfully terminated. She was injured on May 28, 2001. She hurt her left thumb and wrist through repetitive motions.

9. After returning to work, Maria Avila was discharged from her employment on or about November 25, 2002, by Brian Ashely and Rodney Turubiantes interpreted. Plaintiff was informed that the reason for her termination was they could not accommodate her with restrictions and was sent home. Plaintiff was hired on August 19, 1991 and was a good employee of the company for approximately 11 years and 3 months before she was wrongfully terminated. She was injured on October 16, 1998. Plaintiff was injured when she fell while on a ladder and hurt her lower back and lower legs.
10. After returning to work, Ernestina Navarrette was discharged from her employment on or about March 4, 2003, by Rodney Turriantes and was informed that the reason for her termination was due to Plaintiff's medical restrictions. Plaintiff was hired on August 28, 2000, and was a good employee of the company for approximately 2 years and 6 months before she was wrongfully terminated. She was injured on December 3, 2001. Plaintiff became injured while doing repetitive work while in the scope of her employment with defendant.
11. After returning to work, Maria E. Munoz was discharged from her employment on or about March 21, 2002, by Oscar Arriaga and was informed that the reason for her

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termination was due to Plaintiff breaking company policy. Plaintiff was hired on December 29, 1989, and was a good employee of the company for approximately 11 years and 3 months before she was wrongfully terminated. Plaintiff was injured when she was struck by a forklift at work and hurt her back and legs.

12. After returning to work, Merced Hernandez was discharged from her employment on or about March 21, 2002, by Oscar Arriaga and was informed that the reason for her termination was due to Plaintiff breaking company policy. Plaintiff was a good employee of the company before she was wrongfully terminated. She was injured on September 30, 1999. Plaintiff was injured when she fell from a ladder and injured her back requiring surgery for two herniated discs.
13. After returning to work, Amanda Salcido was discharged from her employment on or about October 14, 2002, and was informed that the reason for her termination was due to Plaintiff being out too long on medical leave but it was also the company that placed Plaintiff on medical leave. Plaintiff was hired on August 28, 1988, and was a good employee of the company for approximately 14 years and 2 months before she was wrongfully terminated. She was injured on July 2, 2002. Plaintiff was injured when she slipped and fell on the floor and fell on her back very hard.
14. After returning to work, Candelario Ortega was discharged from his employment on or about April 30, 2003, by Oscar Arriaga and was informed that the reason for his termination was due to Plaintiff being out more than 18 months and a firing is automatic after that period of time. Plaintiff was hired on September 9, 1987, and was a good employee of the company for approximately 15 years and 7 months

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before he was wrongfully terminated. He was injured on March 24, 2000. Plaintiff was injured when he was pushing cattle with his right hand and had to have surgery on his injured hand.

15. After returning to work, Maria Ortiz was discharged from her employment on or about February 4, 2003, and was informed that the reason for her termination was due to Plaintiff's medical restrictions and was sent home. Plaintiff was hired on September 7, 1987, and was a good employee of the company for approximately 15 years and 5 months before she was wrongfully terminated. She was injured on February 15, 2001. Plaintiff was injured while she was working with cattle and she hurt her back.
16. After returning to work, Jose Oliva was discharged from his employment on or about October 14, 2002, and was informed that the reason for his termination was due to Plaintiff's medical restrictions. Plaintiff was hired on July 30, 1989, and was a good employee of the company for approximately 13 years and 3 months before he was wrongfully terminated. He was injured on October 26, 1992. Plaintiff was injured when a machine malfunctioned and he was forced to do the work by hand.
17. After returning to work, Oscar Regalado was discharged from his employment on or about September 3, 2002, and was informed that the reason for his termination was due to Plaintiff's medical restrictions for over 6 months. Plaintiff was hired on September 8, 1998 and was a good employee of the company for approximately 4 years before he was wrongfully terminated. He sustained a medical condition on February 11, 2001. Plaintiff suddenly had to be operated for a heart condition and

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when he returned was given light duty for a brief period before he was then later fired.

18. After returning to work, Rafaela Chavez was discharged from her employment on or about July 8, 2003, by Oscar Arriaga and was informed that the reason for her termination was due to Plaintiff's medical restrictions. Plaintiff was hired on September 29, 1978, and was a good employee of the company for approximately 24 years before being wrongfully terminated. She was injured on July 6, 1996.
19. After returning to work, Elodia Arroyo was discharged from her employment on or about October 14, 2002, by Brian Ashley and was informed that the reason for her termination was due to Plaintiff's medical restrictions. Plaintiff was hired on April 25, 1994, and was a good employee of the company for approximately 8 years and 6 months before she was wrongfully terminated. She was injured on February 4, 2002. Plaintiff was injured due to repetitive motions at work while in the scope of her employment with defendant.
20. After returning to work, Gabriela Arrieta was discharged from her employment on or about July 15, 2002, by Oscar Arriaga and was informed that the reason for her termination was due to Plaintiff being off the active payroll since January 15, 2001. Plaintiff was hired on December 11, 2000, and was a good employee of the company for approximately 1 year and 7 months before she was wrongfully terminated. She was injured on December 20, 2000. Plaintiff was injured when a 65 lb. box fell on her and she hurt her back and her neck.
21. After returning to work, Susana Cardiel was discharged from her employment on

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or about October 14, 2002, by Brian Ashley and was informed that the reason for her termination was due to Plaintiff's medical restrictions. Plaintiff was hired on November 21, 1988, and was a good employee of the company for approximately 14 years before she was wrongfully terminated. She was injured on July 6, 2001. Plaintiff was injured when she slipped and fell at work while stepping in a hole.

22. After returning to work, Gracie Rios was discharged from her employment on or about October 15, 2002, and was informed that the reason for her termination was due to Plaintiff's medical leave of absence. Plaintiff was hired around July of 1987, and was a good employee of the company for approximately 15 years and 3 months before she was wrongfully terminated. She was injured on May 29, 1997. Plaintiff was injured when she slipped and fell due to a fan that was in her way.
23. After returning to work, Leonel Ruiz was discharged from his employment on or about January 21, 2003, and was informed that the reason for his termination was due to Plaintiff's medical restrictions. Plaintiff was hired on May 1, 1985, and was a good employee of the company for approximately 18 years before he was wrongfully terminated. He was injured on February 11, 1994. Plaintiff was injured while pushing a car full of clothing.
24. After returning to work, Cruz Vargas, was discharged from his employment on or about July 24, 2003. Plaintiff was hired on July 9, 1979 and was a good employee of the company for approximately 24 years before he was wrongfully terminated. He was injured on September 18, 2000. Plaintiff was injured when he slipped on a greasy floor and fell backwards hitting his head, back, and buttocks.

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25. After returning to work, Ernestina Navarrette, was discharged from her employment on or about March 4, 2003. Plaintiff was hired on August 28, 2000 and was a good employee of the company for approximately 3 years before she was wrongfully terminated. She was injured on December 3, 2001. Plaintiff was injured by being forced to repeat the same work activity over and over causing her to suffer a repetitive work injury.
26. After returning to work, Candelario G. Ortega, was discharged from his employment on or about April 30, 2003. Plaintiff was hired on September 9, 1987 and was a good employee of the company for approximately 15 years before she was wrongfully terminated. She was injured on March 24, 2000. Plaintiff was injured while pushing cattle with her right hand because on her left hand she had recently had surgery and it was wrapped.
27. After returning to work, Jose Oliva, was discharged from his employment on or about October 14, 2002 Plaintiff was hired on July 30, 1989 and was a good employee of the company for approximately 13 years before he was wrongfully terminated. He was injured on September 26, 1992. Plaintiff was injured while working with a machine used for splitting heads.
28. After returning to work, Rafaela Chavez, was discharged from his employment on or about July 8, 2003.
15. Prior to all of the Plaintiffs being discharged, Defendants had expressed no dissatisfaction with any of the Plaintiffs' performance of their respective duties. Plaintiffs maintain that they were terminated because they were injured and filed a workers compensation claim.

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- Plaintiffs will show that the supervisors' expressed dissatisfaction, if any, constituted a mere pretext.
16. Defendants discriminated against Plaintiffs because Plaintiffs in good faith filed a claim, hired a lawyer for representation in a claim, or in good faith instituted or caused to be instituted a proceeding under the Texas Worker's Compensation Act. Such acts were producing and proximate causes of actual and punitive damages to Plaintiff under Article 451 of the Texas Labor Code.
  17. Among other acts, Defendants carelessly, negligently and intentionally set out to destroy Plaintiffs employment relationship and thereby deprive Plaintiffs of their salary, their job and job benefits. Plaintiffs would further show that such actions were calculated to add an intentional infliction of emotional distress on Plaintiffs.
  18. In this connection, Plaintiffs will show that the true reason for the discharge was in retaliation for Plaintiffs getting injured while under the course and scope of their employment with defendants and Plaintiffs action in attempting to file a claim under the Texas Workers' Compensation Act. Defendants, therefore, violated Chapter 451 of the Texas Labor Code which protects claimants from discrimination by employers.
  19. Furthermore, the employer intentionally inflicted emotional distress on the Plaintiffs by refusing to re-employ them.
  20. Pleading further, at the time Defendants discharged Plaintiffs, several Plaintiffs were still under the treatment of their doctors of choice. Plaintiffs had not recovered from their injuries, and their doctors had not released them to return to work or some received light duty, but Defendants terminated them anyway.

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Plaintiffs' First Amended Petition/bn

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21. Despite knowledge of this fact, Defendants terminated Plaintiffs' employment. Plaintiffs would show that Defendants' actions constitute a wrongful termination in violation of Chapter 451 of the Texas Labor Code.
22. Plaintiffs would further show that their termination was done with malice on the part of Defendants. Therefore, Plaintiffs are entitled to exemplary damages of twenty million (\$20,000,000.00) dollars. Furthermore, Plaintiffs allege that Defendants have a pattern and practice of terminating employees who get injured while on the job. Defendants use their policies to terminate long-term employees and those who have been the most severely injured.
23. Furthermore, Plaintiffs suffered extreme stress and mental anguish as a result of Defendants' conduct in the past and into the future. Plaintiffs endured economic hardships and they continue to do so. Plaintiffs, therefore, request damages for mental anguish and intentional infliction of emotional distress of Plaintiffs.
24. As a direct and proximate result of all Plaintiffs wrongful discharge by Defendants, Plaintiffs have been damaged As follows:
  1. they have been forced into periods of extended unemployment for which they should be compensated;
  2. they have been unable to secure work;
  3. their pay is less per hour than they previously earned, plus company benefits, the difference for which they should be compensated; and
  4. they have been caused unjust embarrassment by prospective employers, who are skeptical to hire Plaintiffs due to the dubious circumstances of their termination by

Page -11-

Plaintiffs' First Amended Petition/bn

OCT-23-2006 14:29 Received 10/23/2006 02:04PM in 07:00 on line [0] for SJ0576 Pg 17/25  
LAW OFFICE DOMINGO GARCIA 2149437536 P.17

Defendants.

25. As a direct and proximate result of the negligent conduct of Defendant, Swift Beef Company d/b/a Swift Company, Plaintiffs suffered substantial damages to which they are entitled in law, and more particularly as follows to-wit:

1. loss of wage earning capacity in the past;
2. loss of wage earning capacity in the future;
3. lost wages in the past;
4. lost wages in the future;
5. loss of credit reputation and standing in the past;
6. loss of credit reputation and standing in the future;
7. mental anguish in the past; and
8. mental anguish in the future.

Said damages are in excess of the minimum jurisdictional limits of this Court.

#### V. CAUSE OF ACTION FOR CRIMINAL VIOLATIONS

26. Defendants have engaged in numerous criminal acts as they have sought to replace workers at their meat-packing plant, who are U. S. citizens or legal immigrants with permits to work in the United States, with illegal workers from Guatemala, to whom Defendants have to pay substantially lower wages and fewer employment benefits. These criminal acts include the following:

1. harboring illegal aliens in violation of 8 U.S.C. §1324;
2. concealing illegal aliens in violation of 8 U.S.C. §1324;
3. transporting illegal aliens in violation of 8 U.S.C. §1324;

Plaintiffs' First Amended Petition/bn

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LAW OFFICE DOMINGO GARCIA 2149437536 P.22

3. smuggling illegal aliens in violation of 8 U.S.C. §1324;
4. aiding and abetting the offense of harboring, concealing, transporting, and/or smuggling illegal aliens in violation of section 274 of the Immigration & Nationality Act; and
5. engaging in a conspiracy to harbor, conceal, transport, and/or smuggle illegal aliens into the United States.

Defendants' violations of these statutes provide for punishment of up to 20 years for each violation.

27 In addition, the Illegal Immigration Reform and Immigration Responsibility Act of 1996 provided for enhanced enforcement and penalties against alien smuggling and related crimes by amending criminal provisions relating to racketeering offenses related to alien smuggling. 18 U.S.C.A. §1961(i)(B) defines "racketeering activity" as any act which is indictable under provisions of 18 U.S.C.A. §§1581-1592. In Plaintiffs' information and belief, Defendants' conduct violates 18 U.S.C.A. §§1590 and 1592.

28. Based upon the foregoing, 18 U.S.C.A. §1961 entitles Plaintiffs to bring a civil action against Defendants for some, if not all, of this criminal activity and to recover damages, civil penalties, and attorney's fees from Defendants, jointly and severally.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer and that upon final hearing, Plaintiffs have Judgment as follows:

- A. Damages in the sum of one million (\$1,000,000.00) dollars for loss of earning capacity, lost wages, past and future pain and suffering and severe mental anguish, per Plaintiff;

Plaintiffs' First Amended Petition/bn

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LAW OFFICE DOMINGO GARCIA 2149437536 P.23

- B. Reinstatement of each Plaintiff to her/his former position and all appropriate benefits;
- C. Exemplary damages in a sum in excess of the minimum jurisdictional limits of this Court;
- D. Attorney's fees and expenses, both through the trial in this cause and all subsequent appeals;
- E. Pre-Judgment interest on all sums awarded herein at the highest legal rate;
- F. All costs of Court;
- G. Post-Judgment interest on all sums awarded herein at the highest legal rate until paid; and
- H. Such other and further relief to which Plaintiffs may be justly entitled at law or in equity, specific or general.

Respectfully submitted,

LAW OFFICES OF DOMINGO A. GARCIA, P.C.

By: 

Domingo A. Garcia  
State Bar No. 07631950  
Paul R. Hornung  
State Bar No. 00795831  
Steve Sanderfer  
State Bar No. 00793211

1107 W. Jefferson Blvd.  
Dallas, Texas 75208-5145  
(214) 941-8300 - Telephone  
(214) 943-7536 - Facsimile

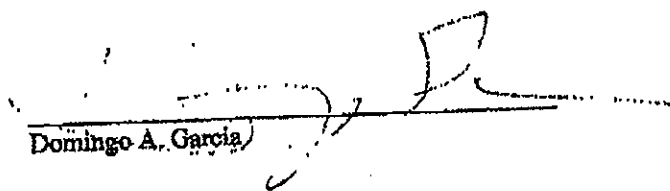
ATTORNEYS FOR PLAINTIFFS



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OCT-23-2006 14:31 LAW OFFICE DOMINGO GARCIA 2149437536 P.24

**CERTIFICATE OF SERVICE**

A true and correct photocopy of this document was served upon all counsel of record in this cause on October 23, 2006 in accordance with TEX. R. CIV. P. 8, 21, and 21a.

  
Domingo A. Garcia

Plaintiffs' First Amended Petition/bn

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S189

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE A. SERRATO, JOSIE §  
RENDON, CLARA TOVAR, CONSUELO §  
ESPINO, MARIA AVILA, ERNESTINA §  
NAVARRETTE, MARIA E. MUNOZ, §  
AMANDA SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE OLIVA, §  
RAFAELA CHAVEZ, ELODIA ARROYOS, §  
SUSANA CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on behalf §  
of all others similarly situated §**

**Plaintiffs,**

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY, HICKS, MUSE, TATE & §  
FURST, INC., HM CAPITAL PARTNERS §  
OF DALLAS, LLC and JOHN DOES I-V §**

**Defendants**

**No. 3:06-CV-2322-N**

**PLAINTIFF ELODIA ARROYOS' FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO DEFENDANTS SWIFT BEEF COMPANY AND  
SWIFT & COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION,  
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**TO:** Defendants, Swift Beef Company d/b/a Swift Company and Swift & Co., by and through their counsel of record, Robert E. Youle and Brian G. Eberle, SHERMAN & HOWARD LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202 AND Ken Carroll and Thomas F. Allen, Jr., CARRINGTON COLEMAN SLOMAN & BLUMENTHAL, 901 Main Street, Suite 5500, Dallas, Texas 75202.

COMES NOW Elodia Arroyos, Plaintiff herein, and pursuant to the Federal Rules of Civil Procedure, makes and serves this, her First Supplemental Objections and Responses to

Defendants' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents.

Respectfully submitted,

**HEYGOOD, ORR, REYES, PEARSON & BARTOLOMEI**



Michael E. Heygood

Texas State Bar No. 00784267

E-mail: [Michael@ReyesLaw.com](mailto:Michael@ReyesLaw.com)

Eric D. Pearson

Texas State Bar No. 15690472

E-mail: [Eric@ReyesLaw.com](mailto:Eric@ReyesLaw.com)

Charles W. Miller

Texas State Bar No. 24007677

E-mail: [Charles@ReyesLaw.com](mailto:Charles@ReyesLaw.com)

2331 W. Northwest Highway, 2nd Floor

Dallas, Texas 75220

214/526-7900

214/526-7910 (fax)

**ATTORNEYS FOR PUTATIVE CLASS  
REPRESENTATIVES**

**CERTIFICATE OF SERVICE**

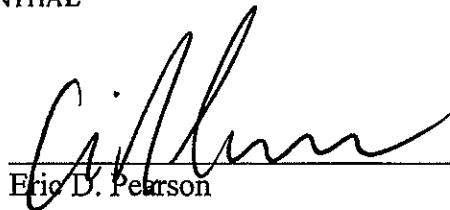
This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in this cause on this the 8th day of August 2008, as indicated below.

Robert E. Youle  
Brian G. Eberle  
SHERMAN & HOWARD LLC  
633 Seventeenth Street  
Suite 3000  
Denver, Colorado 80202

via facsimile (303) 298-0940

Ken Carroll  
Thomas F. Allen, Jr.  
CARRINGTON COLEMAN SLOMAN & BLUMENTHAL  
901 Main Street, Suite 5500  
Dallas, Texas 75202

via facsimile (214) 855-1333

  
Eric D. Pearson

**REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116<sup>th</sup> Judicial District Court, Dallas, Texas, in which you were a plaintiff.

**RESPONSE:** Admit.

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

**RESPONSE:** Admit.

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

**RESPONSE:** Admit.

4. Admit that you have never been employed at any of the Other Swift Processing Facilities.

**RESPONSE:** Admit.

**INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:
  - a. Explain the basis for your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
  - b. Identify all Persons who have knowledge of those facts; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

- a. I saw an employee who had previously been known by one name, later go by another. There were conversations throughout the plant that illegals were hired.
- b. Cannot remember the names.
- c. None.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:
- a. All information You obtained or which came to Your attention which You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Not until after I was terminated.

5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the other Swift processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.



**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.

**RESPONSE:** None.

2. All Documents identified in Your responses to the Interrogatories above.

**RESPONSE:** None.

3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

**RESPONSE:** Plaintiff will produce.

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, et al.**

## Plaintiffs

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A  
SWIFT COMPANY, et al.**

**Defendants.**

~~~~~

**No. 3:06-CV-2322-N**

## VERIFICATION

STATE OF TEXAS

COUNTY OF MOORE

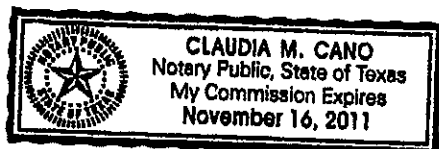
2025

BEFORE ME, the undersigned authority, on this day personally appeared ELODIA ARROYOS, known to me to be the person whose name is subscribed to the foregoing document and upon her oath, stated that she executed these interrogatory responses in her capacity as Plaintiff in the above styled and numbered cause and that she has <sup>given EA</sup> ~~read~~ such answers and that they are true and correct to the best of her knowledge.

*Elodia Arroyos*  
ELODIA ARROYOS

Sworn to and subscribed before me, the undersigned authority, on this the 6<sup>th</sup> day of August, 2008, to certify which witness my hand and seal of office.

NOTARY PUBLIC, in and for the  
State of Texas  
My commission expires: 11-16



**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE A. SERRATO, JOSIE §  
RENDON, CLARA TOVAR, CONSUELO §  
ESPINO, MARIA AVILA, ERNESTINA §  
NAVARRETTE, MARIA E. MUNOZ, §  
AMANDA SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE OLIVA, §  
RAFAELA CHAVEZ, ELODIA ARROYOS, §  
SUSANA CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on behalf §  
of all others similarly situated §**

**Plaintiffs,**

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY, HICKS, MUSE, TATE & §  
FURST, INC., HM CAPITAL PARTNERS §  
OF DALLAS, LLC and JOHN DOES I-V §**

**Defendants**

**No. 3:06-CV-2322-N**

**PLAINTIFF MARIA AVILA'S FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO DEFENDANTS SWIFT BEEF COMPANY  
AND SWIFT & COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION,  
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

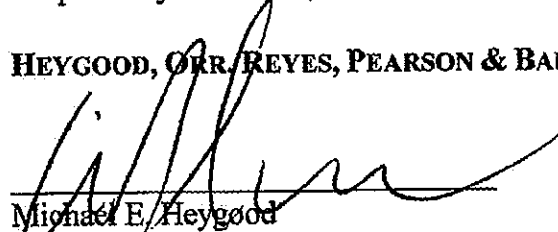
**TO:** Defendants, Swift Beef Company d/b/a Swift Company and Swift & Co., by and through their counsel of record, Robert E. Youle and Brian G. Eberle, SHERMAN & HOWARD LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202 AND Ken Carroll and Thomas F. Allen, Jr., CARRINGTON COLEMAN SLOMAN & BLUMENTHAL, 901 Main Street, Suite 5500, Dallas, Texas 75202.

COMES NOW Maria Avila, Plaintiff herein, and pursuant to the Federal Rules of Civil Procedure, makes and serves this, her First Supplemental Objections and Responses to

Defendants' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents.

Respectfully submitted,

**HEYGOOD, ORR, REYES, PEARSON & BARTOLOMEI**



Michael E. Heygood

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2331 W. Northwest Highway, 2nd Floor

Dallas, Texas 75220

214/526-7900

214/526-7910 (fax)

**ATTORNEYS FOR PUTATIVE CLASS  
REPRESENTATIVES**

**CERTIFICATE OF SERVICE**

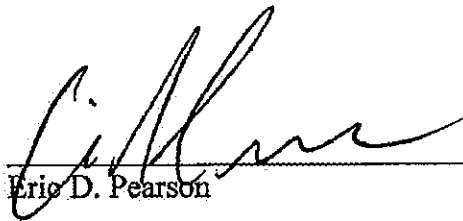
This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in this cause on this the 25<sup>th</sup> day of July 2008, as indicated below.

Robert E. Youle  
Brian G. Eberle  
SHERMAN & HOWARD LLC  
633 Seventeenth Street  
Suite 3000  
Denver, Colorado 80202

via facsimile (303) 298-0940

Ken Carroll  
Thomas F. Allen, Jr.  
CARRINGTON COLEMAN SLOMAN & BLUMENTHAL  
901 Main Street, Suite 5500  
Dallas, Texas 75202

via facsimile (214) 855-1333

  
Eric D. Pearson

**REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116<sup>th</sup> Judicial District Court, Dallas, Texas, in which you were a plaintiff.

**RESPONSE: Admit.**

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

**RESPONSE: Admit.**

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

**RESPONSE: Admit.**

4. Admit that you have never been employed at any of the Other Swift Processing Facilities.

**RESPONSE: Admit.**

### **INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:
  - a. Explain the basis for your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
  - b. Identify all Persons who have knowledge of those facts; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

- a&b. Someone named Olivia would tell another employee she would get her fired because that employee was a "wetback." I heard from Alicia Castaneda that Guatemalans were being hired although they were underage. What SWIFT did was tell those underage employees to state that they were older. Also that a man who was a boss charged people to get them hired.
- c. None.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention which You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.



5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the other Swift processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE: No.**

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.

**RESPONSE: None.**

2. All Documents identified in Your responses to the Interrogatories above.

**RESPONSE: None.**

3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

**RESPONSE: Plaintiff will produce.**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BLANCA VALENZUELA, et al.

Plaintiffs

VS.

SWIFT BEEF COMPANY, INC. D/B/A  
SWIFT COMPANY, et al.

Defendants.

§  
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No. 3:06-CV-2322-N

VERIFICATION

STATE OF TEXAS

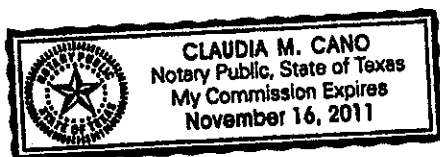
COUNTY OF MOORE

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared MARIA AVILA, known to me to be the person whose name is subscribed to the foregoing document and upon her oath, stated that she executed these interrogatory responses in her capacity as Plaintiff in the above styled and numbered cause and that she has <sup>given</sup> ~~read~~ such answers and that they are true and correct to the best of her knowledge. M. L. A

Maria J. Avila  
MARIA AVILA

Sworn to and subscribed before me, the undersigned authority, on this the 6<sup>th</sup> day of August, 2008, to certify which witness my hand and seal of office.



[Signature]  
NOTARY PUBLIC, in and for the  
State of Texas

My commission expires: 11-16-11

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE A. SERRATO, JOSIE §  
RENDON, CLARA TOVAR, CONSUELO §  
ESPINO, MARIA AVILA, ERNESTINA §  
NAVARRETTE, MARIA E. MUNOZ, §  
AMANDA SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE OLIVA, §  
RAFAELA CHAVEZ, ELODIA ARROYOS, §  
SUSANA CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on behalf §  
of all others similarly situated §**

**Plaintiffs,**

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY, HICKS, MUSE, TATE & §  
FURST, INC., HM CAPITAL PARTNERS §  
OF DALLAS, LLC and JOHN DOES I-V §**

**Defendants**

**No. 3:06-CV-2322-N**

**PLAINTIFF SUSANA CARDIEL'S FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO DEFENDANTS SWIFT BEEF COMPANY AND  
SWIFT & COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION,  
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**TO:** Defendants, Swift Beef Company d/b/a Swift Company and Swift & Co., by and through their counsel of record, Robert E. Youle and Brian G. Eberle, SHERMAN & HOWARD LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202 AND Ken Carroll and Thomas F. Allen, Jr., CARRINGTON COLEMAN SLOMAN & BLUMENTHAL, 901 Main Street, Suite 5500, Dallas, Texas 75202.

COMES NOW Susana Cardiel, Plaintiff herein, and pursuant to the Federal Rules of Civil Procedure, makes and serves this, her First Supplemental Objections and Responses to

Defendants' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents.

Respectfully submitted,

**HEYGOOD, ORR, REYES, PEARSON & BARTOLOMEI**



Michael E. Heygood

Texas State Bar No. 00784267

E-mail: [Michael@ReyesLaw.com](mailto:Michael@ReyesLaw.com)

Eric D. Pearson

Texas State Bar No. 15690472

E-mail: [Eric@ReyesLaw.com](mailto:Eric@ReyesLaw.com)

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2331 W. Northwest Highway, 2nd Floor

Dallas, Texas 75220

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214/526-7910 (fax)

**ATTORNEYS FOR PUTATIVE CLASS  
REPRESENTATIVES**

**CERTIFICATE OF SERVICE**

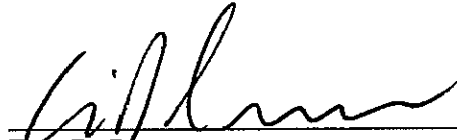
This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in this cause on this the 8th day of August 2008, as indicated below.

Robert E. Youle  
Brian G. Eberle  
SHERMAN & HOWARD LLC  
633 Seventeenth Street  
Suite 3000  
Denver, Colorado 80202

via facsimile (303) 298-0940

Ken Carroll  
Thomas F. Allen, Jr.  
CARRINGTON COLEMAN SLOMAN & BLUMENTHAL  
901 Main Street, Suite 5500  
Dallas, Texas 75202

via facsimile (214) 855-1333

  
Eric D. Pearson

**REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116<sup>th</sup> Judicial District Court, Dallas, Texas, in which you were a plaintiff.

**RESPONSE: Admit.**

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

**RESPONSE: Admit.**

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

**RESPONSE: Admit.**

4. Admit that you have never been employed at any of the Other Swift Processing Facilities.

**RESPONSE: Admit.**

### **INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:
  - a. Explain the basis for your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
  - b. Identify all Persons who have knowledge of those facts; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

- a. There were rumors at the plant by persons/employees about how Swift hired illegals. At one point a lot of persons from Guatemala were hired at Swift. There was a lot of discussion among the employees that they did not look of age or old enough to be working. When some of the new Guatemalan employees were asked what their age or name was they would only smith and walk away without answering.
- b. None by name.



c. None.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:
- a. All information You obtained or which came to Your attention which You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes as to whether Swift gave warning about immigration checks at the plant.

- a. During the time I was an employee there were four or five times that Swift supervisors would tell the employees that immigration was going to be at the plant on a given day to check that employees had their documents in order. When that given day arrived, there was always an absence of many people.
  - b. The employees should know as they were warned about immigration checks. The supervisors that I heard give those warnings were Rita (I cannot recall his last name), Joe Gutierrez, and an African-American man known as "Day-o" [phonetic]. I do not know the spelling.
  - c. None.
5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the other Swift processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.

**RESPONSE: None.**

2. All Documents identified in Your responses to the Interrogatories above.

**RESPONSE: None.**

3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

**RESPONSE: Plaintiff will produce.**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BLANCA VALENZUELA, et al.

Plaintiffs

VS.

SWIFT BEEF COMPANY, INC. D/B/A  
SWIFT COMPANY, et al.

Defendants.

§  
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§  
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§

No. 3:06-CV-2322-N

VERIFICATION

STATE OF TEXAS

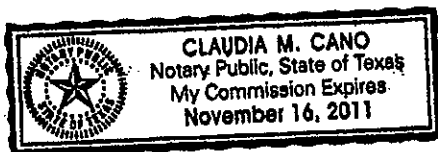
COUNTY OF MOORE

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared SUSANA CARDIEL, known to me to be the person whose name is subscribed to the foregoing document and upon her oath, stated that she executed these interrogatory responses in her capacity as Plaintiff in the above styled and numbered cause and that she has <sup>given</sup> ~~read~~ such answers and that they are true and correct to the best of her knowledge.

Susana Cardiel  
SUSANA CARDIEL

Sworn to and subscribed before me, the undersigned authority, on this the 6<sup>th</sup> day of August, 2008, to certify which witness my hand and seal of office.



Claudia Cano  
NOTARY PUBLIC, in and for the  
State of Texas

My commission expires: 11-16-11

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE A. SERRATO, JOSIE §  
RENDON, CLARA TOVAR, CONSUELO §  
ESPINO, MARIA AVILA, ERNESTINA §  
NAVARRETTE, MARIA E. MUNOZ, §  
AMANDA SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE OLIVA, §  
RAFAELA CHAVEZ, ELODIA ARROYOS, §  
SUSANA CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on behalf §  
of all others similarly situated §**

**Plaintiffs,**

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY, HICKS, MUSE, TATE & §  
FURST, INC., HM CAPITAL PARTNERS §  
OF DALLAS, LLC and JOHN DOES I-V §**

**Defendants**

**No. 3:06-CV-2322-N**

**PLAINTIFF CONSUELO ESPINO'S FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO DEFENDANTS SWIFT BEEF COMPANY AND  
SWIFT & COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION,  
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

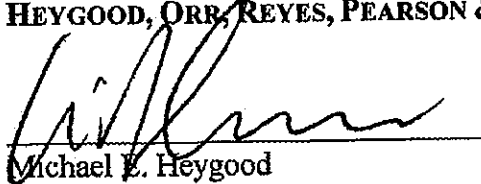
**TO:** Defendants, Swift Beef Company d/b/a Swift Company and Swift & Co., by and through their counsel of record, Robert E. Youle and Brian G. Eberle, SHERMAN & HOWARD LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202 AND Ken Carroll and Thomas F. Allen, Jr., CARRINGTON COLEMAN SLOMAN & BLUMENTHAL, 901 Main Street, Suite 5500, Dallas, Texas 75202.

COMES NOW Consuelo Espino, Plaintiff herein, and pursuant to the Federal Rules of Civil Procedure, makes and serves this, her First Supplemental Objections and Responses to

Defendants' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents.

Respectfully submitted,

**HEYGOOD, ORR, REYES, PEARSON & BARTOLOMEI**



Michael E. Heygood

Texas State Bar No. 00784267

E-mail: [Michael@ReyesLaw.com](mailto:Michael@ReyesLaw.com)

Eric D. Pearson

Texas State Bar No. 15690472

E-mail: [Eric@ReyesLaw.com](mailto:Eric@ReyesLaw.com)

Charles W. Miller

Texas State Bar No. 24007677

E-mail: [Charles@ReyesLaw.com](mailto:Charles@ReyesLaw.com)

2331 W. Northwest Highway, 2nd Floor

Dallas, Texas 75220

214/526-7900

214/526-7910 (fax)

**ATTORNEYS FOR PUTATIVE CLASS  
REPRESENTATIVES**

**CERTIFICATE OF SERVICE**

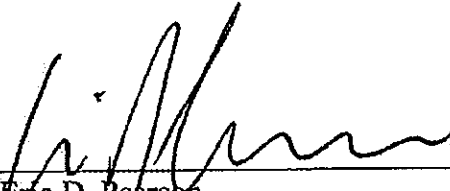
This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in this cause on this the 7th day of August 2008, as indicated below.

Robert E. Youle  
Brian G. Eberle  
SHERMAN & HOWARD LLC  
633 Seventeenth Street  
Suite 3000  
Denver, Colorado 80202

via facsimile (303) 298-0940

Ken Carroll  
Thomas F. Allen, Jr.  
CARRINGTON COLEMAN SLOMAN & BLUMENTHAL  
901 Main Street, Suite 5500  
Dallas, Texas 75202

via facsimile (214) 855-1333

  
Eric D. Pearson

**REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116<sup>th</sup> Judicial District Court, Dallas, Texas, in which you were a plaintiff.

**RESPONSE:** Admit.

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

**RESPONSE:** Admit.

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

**RESPONSE:** Admit.

4. Admit that you have never been employed at any of the Other Swift Processing Facilities.

**RESPONSE:** Admit.



**INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:
  - a. Explain the basis for your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
  - b. Identify all Persons who have knowledge of those facts; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

- a. I knew a lot of them. One of them was my ex-husband and ex-sister-in-law.
- b. Carlos Espino worked under the name of Jose Arreola. Marisol Espino worked under the name of Monica, I believe.
- c. They had Texas ID and paystubs, but I do not have copies of those documents.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
- Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States;
  - Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:
- All information You obtained or which came to Your attention which You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
  - Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

- a. I've heard people say that my sister-in-law was told by her supervisor not to come in after the second raid, which was in the morning. She worked the afternoon shift.
  - b. Oscar Arriaga, I believe was getting paid to tell people where to go to get their papers. Also there were people, Rene Gonzalez, getting paid to go to Juarez and El Paso to bring workers.
  - c. No documents, just common knowledge and people would talk. People off the lines would say that Rene had gone out this weekend and brought so many people back with her.
5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the other Swift processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE: No.**

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.

**RESPONSE: None.**

2. All Documents identified in Your responses to the Interrogatories above.

**RESPONSE: None.**

3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

**RESPONSE: Plaintiff will produce.**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE A. SERRATO, JOSIE §  
RENDON, CLARA TOVAR, CONSUELO §  
ESPINO, MARIA AVILA, ERNESTINA §  
NAVARRETTE, MARIA E. MUNOZ, §  
AMANDA SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE OLIVA, §  
RAFAELA CHAVEZ, ELODIA ARROYOS, §  
SUSANA CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on behalf §  
of all others similarly situated §**

**Plaintiffs,**

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY, HICKS, MUSE, TATE & §  
FURST, INC., HM CAPITAL PARTNERS §  
OF DALLAS, LLC and JOHN DOES I-V §**

**Defendants**

**No. 3:06-CV-2322-N**

**PLAINTIFF JOSE OLIVA'S FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO DEFENDANTS SWIFT BEEF COMPANY AND  
SWIFT & COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION,  
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**TO:** Defendants, Swift Beef Company d/b/a Swift Company and Swift & Co., by and through their counsel of record, Robert E. Youle and Brian G. Eberle, SHERMAN & HOWARD LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202 AND Ken Carroll and Thomas F. Allen, Jr., CARRINGTON COLEMAN SLOMAN & BLUMENTHAL, 901 Main Street, Suite 5500, Dallas, Texas 75202.

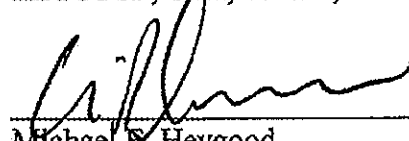
**COMES NOW** Jose Oliva, Plaintiff herein, and pursuant to the Federal Rules of Civil

Procedure, makes and serves this, his First Supplemental Objections and Responses to

Defendants' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents.

Respectfully submitted,

**HEYGOOD, ORR, REYES, PEARSON & BARTOLOMEI**



Michael E. Heygood

Texas State Bar No. 00784267

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2331 W. Northwest Highway, 2nd Floor

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214/526-7910 (fax)

**ATTORNEYS FOR PUTATIVE CLASS  
REPRESENTATIVES**

**CERTIFICATE OF SERVICE**

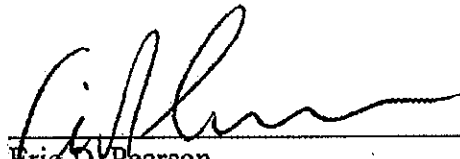
This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in this cause on this the 12<sup>th</sup> day of August 2008, as indicated below.

Robert E. Youle  
Brian G. Eberle  
SHERMAN & HOWARD LLC  
633 Seventeenth Street  
Suite 3000  
Denver, Colorado 80202

via facsimile (303) 298-0940

Ken Carroll  
Thomas F. Allen, Jr.  
CARRINGTON COLEMAN SLOMAN & BLUMENTHAL  
901 Main Street, Suite 5500  
Dallas, Texas 75202

via facsimile (214) 855-1333

  
Eric D. Pearson

**REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116<sup>th</sup> Judicial District Court, Dallas, Texas, in which you were a plaintiff.

**RESPONSE:** Admit.

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

**RESPONSE:** Admit.

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

**RESPONSE:** Admit.

4. Admit that you have never been employed at any of the Other Swift Processing Facilities.

**RESPONSE:** Admit.



**INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:
  - a. Explain the basis for your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
  - b. Identify all Persons who have knowledge of those facts; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

- a & b A boy who went by the name of "Aubrey Smith" admitted to me that he was from Guatemala and that he had come to SWIFT because the company administration had secured him with documents with which to work and guaranteed him a job. The documents were a green card and social security card. In exchange, "Aubrey" had to pay them \$2,000.00.
- c. None.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE: No.**

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:
- a. All information You obtained or which came to Your attention which You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE: Yes.**

- a. The company would let the employees know that immigration was checking work documents. Also, on some occasions, SWIFT called persons to the

office to have immigration check their documents. It so happened that they only ever called legal persons and not illegals, at least to my knowledge.

b. no names

c. none

5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the other Swift processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:

- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
- b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
- c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.

**RESPONSE:** None.

2. All Documents identified in Your responses to the Interrogatories above.

**RESPONSE:** None.

3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

**RESPONSE:** Plaintiff will produce.

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE A. SERRATO, JOSIE §  
RENDON, CLARA TOVAR, CONSUELO §  
ESPINO, MARIA AVILA, ERNESTINA §  
NAVARRETTE, MARIA E. MUNOZ, §  
AMANDA SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE OLIVA, §  
RAFAELA CHAVEZ, ELODIA ARROYOS, §  
SUSANA CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on behalf §  
of all others similarly situated §**

**Plaintiffs,**

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY, HICKS, MUSE, TATE & §  
FURST, INC., HM CAPITAL PARTNERS §  
OF DALLAS, LLC and JOHN DOES I-V §**

**Defendants**

**No. 3:06-CV-2322-N**

**PLAINTIFF JOSIE RENDON'S FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO DEFENDANTS SWIFT BEEF COMPANY AND  
SWIFT & COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION,  
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

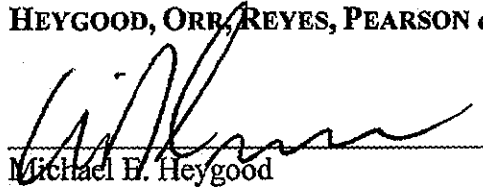
**TO:** Defendants, Swift Beef Company d/b/a Swift Company and Swift & Co., by and through their counsel of record, Robert E. Youle and Brian G. Eberle, SHERMAN & HOWARD LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202 AND Ken Carroll and Thomas F. Allen, Jr., CARRINGTON COLEMAN SLOMAN & BLUMENTHAL, 901 Main Street, Suite 5500, Dallas, Texas 75202.

COMES NOW Josie Rendon, Plaintiff herein, and pursuant to the Federal Rules of Civil Procedure, makes and serves this, her First Supplemental Objections and Responses to

Defendants' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents.

Respectfully submitted,

**HEYGOOD, ORR, REYES, PEARSON & BARTOLOMEI**



Michael H. Heygood

Texas State Bar No. 00784267

E-mail: [Michael@ReyesLaw.com](mailto:Michael@ReyesLaw.com)

Eric D. Pearson

Texas State Bar No. 15690472

E-mail: [Eric@ReyesLaw.com](mailto:Eric@ReyesLaw.com)

Charles W. Miller

Texas State Bar No. 24007677

E-mail: [Charles@ReyesLaw.com](mailto:Charles@ReyesLaw.com)

2331 W. Northwest Highway, 2nd Floor

Dallas, Texas 75220

214/526-7900

214/526-7910 (fax)

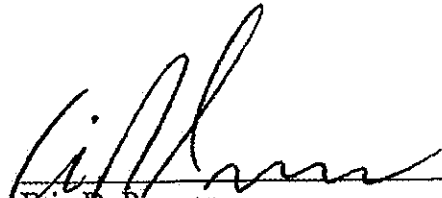
**ATTORNEYS FOR PUTATIVE CLASS  
REPRESENTATIVES**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in this cause on this the 21<sup>st</sup> day of July 2008, as indicated below.

Robert E. Youle  
Brian G. Eberle  
SHERMAN & HOWARD LLC  
633 Seventeenth Street  
Suite 3000  
Denver, Colorado 80202

Ken Carroll  
Thomas F. Allen, Jr.  
CARRINGTON COLEMAN SLOMAN & BLUMENTHAL  
901 Main Street, Suite 5500  
Dallas, Texas 75202

  
Eric D. Pearson

**REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116<sup>th</sup> Judicial District Court, Dallas, Texas, in which you were a plaintiff.

**RESPONSE: Admit.**

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

**RESPONSE: Admit.**

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

**RESPONSE: Admit.**

4. Admit that you have never been employed at any of the Other Swift Processing Facilities.

**RESPONSE: Admit.**



**INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:
  - a. Explain the basis for your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
  - b. Identify all Persons who have knowledge of those facts; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:**

- a. One of the guys that was working with me there, but he took off working and left his apron there. They said he did not have any papers.
- b. None.
- c. None.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE: No.**

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:
- a. All information You obtained or which came to Your attention which You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE: No.**

5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the other Swift processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.

**RESPONSE: None.**

2. All Documents identified in Your responses to the Interrogatories above.

**RESPONSE: None.**

3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

**RESPONSE: Plaintiff will produce.**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BLANCA VALENZUELA, et al.

Plaintiffs

VS.

SWIFT BEEF COMPANY, INC. D/B/A  
SWIFT COMPANY, et al.

Defendants.

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No. 3:06-CV-2322-N

VERIFICATION

STATE OF TEXAS

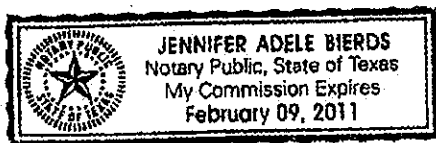
COUNTY OF Williamson


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BEFORE ME, the undersigned authority, on this day personally appeared JOSIE RENDON, known to me to be the person whose name is subscribed to the foregoing document and upon her oath, stated that she executed these interrogatory responses in her capacity as Plaintiff in the above styled and numbered cause and that she has read such answers and that they are true and correct to the best of her knowledge.

  
JOSIE RENDON

Sworn to and subscribed before me, the undersigned authority, on this the 8th day of August, 2008, to certify which witness my hand and seal of office.



  
NOTARY PUBLIC, in and for the  
State of Texas  
My commission expires: 2-9-11

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BLANCA VALENZUELA, MARGIE §  
SALAZAR, JOSE A. SERRATO, JOSIE §  
RENDON, CLARA TOVAR, CONSUELO §  
ESPINO, MARIA AVILA, ERNESTINA §  
NAVARRETTE, MARIA E. MUNOZ, §  
AMANDA SALCIDO, CANDELARIO G. §  
ORTEGA, MARIA ORTIZ, JOSE OLIVA, §  
RAFAELA CHAVEZ, ELODIA ARROYOS, §  
SUSANA CARDIEL, GRACIE RIOS, AND §  
LEONEL RUIZ, individually and on behalf §  
of all others similarly situated §**

**Plaintiffs,**

**VS.**

**SWIFT BEEF COMPANY, INC. D/B/A §  
SWIFT COMPANY, SWIFT & §  
COMPANY, HICKS, MUSE, TATE & §  
FURST, INC., HM CAPITAL PARTNERS §  
OF DALLAS, LLC and JOHN DOES I-V §**

**Defendants**

**No. 3:06-CV-2322-N**

**PLAINTIFF GRACIE RIOS' FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO DEFENDANTS SWIFT BEEF COMPANY AND  
SWIFT & COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION,  
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**TO:** Defendants, Swift Beef Company d/b/a Swift Company and Swift & Co., by and through their counsel of record, Robert E. Youle and Brian G. Eberle, SHERMAN & HOWARD LLC, 633 Seventeenth Street, Suite 3000, Denver, Colorado 80202 AND Ken Carroll and Thomas F. Allen, Jr., CARRINGTON COLEMAN SLOMAN & BLUMENTHAL, 901 Main Street, Suite 5500, Dallas, Texas 75202.

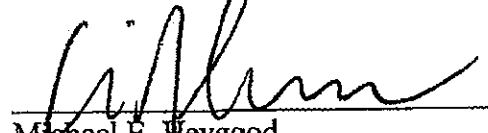
**COMES NOW** Gracie Rios, Plaintiff herein, and pursuant to the Federal Rules of Civil

Procedure, makes and serves this, her First Supplemental Objections and Responses to

Defendants' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents.

Respectfully submitted,

**HEYGOOD, ORR, REYES, PEARSON & BARTOLOMEI**



Michael E. Heygood

Texas State Bar No. 00784267

E-mail: [Michael@ReyesLaw.com](mailto:Michael@ReyesLaw.com)

Eric D. Pearson

Texas State Bar No. 15690472

E-mail: [Eric@ReyesLaw.com](mailto:Eric@ReyesLaw.com)

Charles W. Miller

Texas State Bar No. 24007677

E-mail: [Charles@ReyesLaw.com](mailto:Charles@ReyesLaw.com)

2331 W. Northwest Highway, 2nd Floor

Dallas, Texas 75220

214/526-7900

214/526-7910 (fax)

**ATTORNEYS FOR PUTATIVE CLASS  
REPRESENTATIVES**

**CERTIFICATE OF SERVICE**

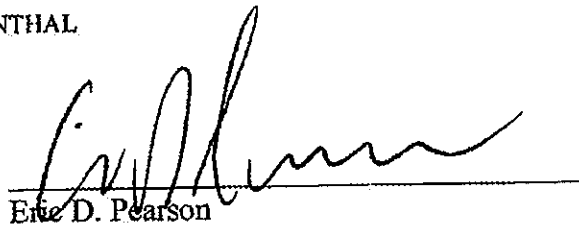
This is to certify that a true and correct copy of the foregoing document has been served upon all counsel of record in this cause on this the 7th day of August 2008, as indicated below.

Robert E. Youle  
Brian G. Eberle  
SHERMAN & HOWARD LLC  
633 Seventeenth Street  
Suite 3000  
Denver, Colorado 80202

via facsimile (303) 298-0940

Ken Carroll  
Thomas F. Allen, Jr.  
CARRINGTON COLEMAN SLOMAN & BLUMENTHAL  
901 Main Street, Suite 5500  
Dallas, Texas 75202

via facsimile (214) 855-1333

  
Eric D. Pearson



**REQUESTS FOR ADMISSION**

1. Admit that Exhibit 1 hereto is a true and correct copy of Plaintiffs' First Amended Petition filed on or about October 23, 2006 in the 116<sup>th</sup> Judicial District Court, Dallas, Texas, in which you were a plaintiff.

**RESPONSE:** Admit.

2. Admit that, to the extent the allegations set forth in paragraph 14 of Exhibit 1 hereto relate to Your employment at the Cactus Processing Facility, those allegations are true and correct.

**RESPONSE:** Admit.

3. Admit that, while You were employed by Swift at the Cactus Processing Facility, You never held a supervisory position, *i.e.*, you did not have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Swift employees.

**RESPONSE:** Admit.

4. Admit that you have never been employed at any of the Other Swift Processing Facilities.

**RESPONSE:** Admit.

### **INTERROGATORIES**

1. Is Your response to each Request for Admission above an unqualified admission (*i.e.*, one in which Your response is either "Admit" or "Yes")? If not, for each response that is not an unqualified admission, state separately the following as to each such Request for Admission:
  - a. Explain the basis for your partial or complete denial of the Request for Admission and state all facts upon which You base Your response;
  - b. Identify all Persons who have knowledge of those facts; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

2. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
  - a. All information You obtained or which came to Your attention while You were a Swift employee indicating that Swift had hired Persons at the Cactus Processing Facility who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Cactus Processing Facility while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** Yes.

- a. They were getting paid less, people talked, and Amanda told me that she was filling out papers for illegal people. Also their names in the hard hats were English and they did not speak any English.
- b. I did not know their names.
- c. None.

3. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had hired any Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while you were a Swift employee indicating that Swift had hired Persons at the Other Swift Processing Facilities who were not legally authorized to be employed in the United States;
  - b. Identify all Persons employed by Swift at the Other Swift Processing Facilities while You were a Swift employee who You believed were not legally authorized to be employed in the United States; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

4. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Cactus Processing Facility in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Cactus Processing Facility by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the Cactus Processing Facility despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Cactus Processing Facility by government authorities, or warned illegal immigrants of upcoming immigration raids at the Cactus Processing Facility by government authorities. If Your response is yes, then provide separately the following:
- a. All information You obtained or which came to Your attention which You were a Swift employee indicating that Swift engaged in any such activities at the Cactus Processing Facility;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

5. During the time You were a Swift employee, state whether You were aware of any information indicating that Swift had assisted any Persons at the Other Swift Processing Facilities in obtaining false documents relating to their identity and/or immigration status, provided illegal immigrants with advice on how to avoid detection at the Other Swift Processing Facilities by government authorities, provided illegal immigrants with advice on how to be hired or re-hired at the other Swift processing Facilities despite their illegal immigrant status, took steps to delay or prevent immigration raids at the Other Swift Processing Facilities by government authorities, or warned illegal immigrants of upcoming immigration raids at the Other Swift Processing Facilities by government authorities. If Your response is yes, then provide separately the following:
- a. Describe all information You obtained or which came to Your attention while You were a Swift employee indicating that Swift engaged in any such activities at the Other Swift Processing Facilities;
  - b. Identify all Swift employees who participated in or who You believe was aware of any such activities; and
  - c. Identify all Documents that support Your response to this Interrogatory.

**RESPONSE:** No.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All Documents upon which You relied in responding to the Requests for Admission and Interrogatories above.

**RESPONSE: None.**

2. All Documents identified in Your responses to the Interrogatories above.

**RESPONSE: None.**

3. All Documents relating to any type of fee agreement You have entered into with Your attorneys relating to this litigation, including the "contingency fee contracts" referenced at page 12 of Plaintiffs' Brief in Support of Motion for Class Certification.

**RESPONSE: Plaintiff will produce.**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BLANCA VALENZUELA, et al.

Plaintiffs

VS.

SWIFT BEEF COMPANY, INC. D/B/A  
SWIFT COMPANY, et al.

Defendants.

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No. 3:06-CV-2322-N

VERIFICATION

STATE OF TEXAS

COUNTY OF Ector

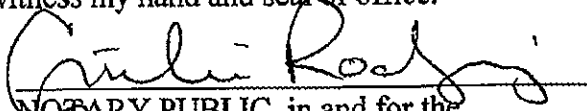
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BEFORE ME, the undersigned authority, on this day personally appeared GRACIE RIOS, known to me to be the person whose name is subscribed to the foregoing document and upon her oath, stated that she executed these interrogatory responses in her capacity as Plaintiff in the above styled and numbered cause and that she has read such answers and that they are true and correct to the best of her knowledge.



GRACIE RIOS

Sworn to and subscribed before me, the undersigned authority, on this the 12 day of August, 2008, to certify which witness my hand and seal of office.



NOTARY PUBLIC, in and for the  
State of Texas

My commission expires: June 26, 2012

